



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

#### HB5749

by Rep. Michael W. Tryon

#### SYNOPSIS AS INTRODUCED:

70 ILCS 3605/20	from Ch. 111 2/3, par. 320
70 ILCS 3615/3.01	from Ch. 111 2/3, par. 703.01
70 ILCS 3615/3A.02	from Ch. 111 2/3, par. 703A.02
70 ILCS 3615/3B.02	from Ch. 111 2/3, par. 703B.02

Amends the Metropolitan Transit Authority Act and the Regional Transportation Authority Act. Provides that directors and members of the Regional Transportation Authority, the Chicago Transit Board, the Suburban Bus Board, and the Commuter Rail Board appointed on and after the effective date of this amendatory Act of the 98th General Assembly owe a fiduciary duty to their respective service boards and to the Regional Transportation Authority.

LRB098 20222 JLK 55573 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Metropolitan Transit Authority Act is  
5 amended by changing Section 20 as follows:

6 (70 ILCS 3605/20) (from Ch. 111 2/3, par. 320)

7 Sec. 20. Within sixty (60) days after the adoption of this  
8 Act by the electors of one or more cities, villages and  
9 incorporated towns within the metropolitan area having a  
10 population in the aggregate of at least 100,000 according to  
11 the Federal census of 1940, the Governor, by and with the  
12 advice and consent of the Senate, shall appoint three members  
13 of the Board for initial terms expiring September first of the  
14 years 1947, 1948 and 1949, respectively, at least one of which  
15 members shall be a resident of that portion of the metropolitan  
16 area which is outside the corporate limits of the City of  
17 Chicago, and the Mayor, with advice and consent of the City  
18 Council of the City of Chicago, shall appoint four members of  
19 the Board for initial terms expiring September first of the  
20 years 1946, 1950, 1951 and 1952, respectively. At the  
21 expiration of the term of any member appointed by the Governor  
22 his successor shall be appointed by the Governor, and at the  
23 expiration of the term of any member appointed by the Mayor his

1 successor shall be appointed by the Mayor in like manner, and  
2 with like regard as to the place of residence of the appointee,  
3 as appointments for the initial terms. All successors shall  
4 hold office for the term of seven years from the first day of  
5 September of the year in which they are appointed, except in  
6 case of an appointment to fill a vacancy. In case of vacancy in  
7 the office of any member appointed by the Governor during the  
8 recess of the Senate, the Governor shall make a temporary  
9 appointment until the next meeting of the Senate when he shall  
10 nominate some person to fill such office; and any person so  
11 nominated, who is confirmed by the Senate, shall hold his  
12 office during the remainder of the term and until his successor  
13 shall be appointed and qualified. If the Senate is not in  
14 session at the time this Act takes effect, the Governor shall  
15 make temporary appointments as in case of vacancies. Each  
16 appointment by the Governor shall be subject to approval by the  
17 Mayor, and each appointment by the Mayor shall be subject to  
18 approval by the Governor and, when so approved, the Governor  
19 and the Mayor shall certify their respective appointments and  
20 approvals to the Secretary of State. If the Governor or the  
21 Mayor does not approve or disapprove the appointment by the  
22 Mayor or the Governor, respectively, within 15 days after  
23 receipt thereof, the person is appointed. Within thirty days  
24 after certification and approval of his appointment, and before  
25 entering upon the duties of his office, each member of the  
26 Board shall take and subscribe the constitutional oath of

1 office and file it in the office of the Secretary of State.

2 Members appointed on and after the effective date of this  
3 amendatory Act of the 98th General Assembly owe a fiduciary  
4 duty to the Board and to the Regional Transportation Authority.

5 (Source: P.A. 79-938.)

6 Section 10. The Regional Transportation Authority Act is  
7 amended by changing Sections 3.01, 3A.02, and 3B.02 as follows:

8 (70 ILCS 3615/3.01) (from Ch. 111 2/3, par. 703.01)

9 Sec. 3.01. Board of Directors. The corporate authorities  
10 and governing body of the Authority shall be a Board consisting  
11 of 13 Directors until April 1, 2008, and 16 Directors  
12 thereafter, appointed as follows:

13 (a) Four Directors appointed by the Mayor of the City of  
14 Chicago, with the advice and consent of the City Council of the  
15 City of Chicago, and, only until April 1, 2008, a fifth  
16 director who shall be the Chairman of the Chicago Transit  
17 Authority. After April 1, 2008, the Mayor of the City of  
18 Chicago, with the advice and consent of the City Council of the  
19 City of Chicago, shall appoint a fifth Director. The Directors  
20 appointed by the Mayor of the City of Chicago shall not be the  
21 Chairman or a Director of the Chicago Transit Authority. Each  
22 such Director shall reside in the City of Chicago.

23 (b) Four Directors appointed by the votes of a majority of  
24 the members of the Cook County Board elected from districts, a

1 majority of the electors of which reside outside Chicago. After  
2 April 1, 2008, a fifth Director appointed by the President of  
3 the Cook County Board with the advice and consent of the  
4 members of the Cook County Board. Each Director appointed under  
5 this subparagraph shall reside in that part of Cook County  
6 outside Chicago.

7 (c) Until April 1, 2008, 3 Directors appointed by the  
8 Chairmen of the County Boards of DuPage, Kane, Lake, McHenry,  
9 and Will Counties, as follows:

10 (i) Two Directors appointed by the Chairmen of the  
11 county boards of Kane, Lake, McHenry and Will Counties,  
12 with the concurrence of not less than a majority of the  
13 Chairmen from such counties, from nominees by the Chairmen.  
14 Each such Chairman may nominate not more than 2 persons for  
15 each position. Each such Director shall reside in a county  
16 in the metropolitan region other than Cook or DuPage  
17 Counties.

18 (ii) One Director appointed by the Chairman of the  
19 DuPage County Board with the advice and consent of the  
20 DuPage County Board. Such Director shall reside in DuPage  
21 County.

22 (d) After April 1, 2008, 5 Directors appointed by the  
23 Chairmen of the County Boards of DuPage, Kane, Lake and McHenry  
24 Counties and the County Executive of Will County, as follows:

25 (i) One Director appointed by the Chairman of the Kane  
26 County Board with the advice and consent of the Kane County

1 Board. Such Director shall reside in Kane County.

2 (ii) One Director appointed by the County Executive of  
3 Will County with the advice and consent of the Will County  
4 Board. Such Director shall reside in Will County.

5 (iii) One Director appointed by the Chairman of the  
6 DuPage County Board with the advice and consent of the  
7 DuPage County Board. Such Director shall reside in DuPage  
8 County.

9 (iv) One Director appointed by the Chairman of the Lake  
10 County Board with the advice and consent of the Lake County  
11 Board. Such Director shall reside in Lake County.

12 (v) One Director appointed by the Chairman of the  
13 McHenry County Board with the advice and consent of the  
14 McHenry County Board. Such Director shall reside in McHenry  
15 County.

16 (vi) To implement the changes in appointing authority  
17 under this subparagraph (d) the three Directors appointed  
18 under subparagraph (c) and residing in Lake County, DuPage  
19 County, and Kane County respectively shall each continue to  
20 serve as Director until the expiration of their respective  
21 term of office and until his or her successor is appointed  
22 and qualified or a vacancy occurs in the office. Thereupon,  
23 the appointment shall be made by the officials given  
24 appointing authority with respect to the Director whose  
25 term has expired or office has become vacant.

26 (e) The Chairman serving on the effective date of this

1 amendatory Act of the 95th General Assembly shall continue to  
2 serve as Chairman until the expiration of his or her term of  
3 office and until his or her successor is appointed and  
4 qualified or a vacancy occurs in the office. Upon the  
5 expiration or vacancy of the term of the Chairman then serving  
6 upon the effective date of this amendatory Act of the 95th  
7 General Assembly, the Chairman shall be appointed by the other  
8 Directors, by the affirmative vote of at least 11 of the then  
9 Directors with at least 2 affirmative votes from Directors who  
10 reside in the City of Chicago, at least 2 affirmative votes  
11 from Directors who reside in Cook County outside the City of  
12 Chicago, and at least 2 affirmative votes from Directors who  
13 reside in the Counties of DuPage, Lake, Will, Kane, or McHenry.  
14 The chairman shall not be appointed from among the other  
15 Directors. The chairman shall be a resident of the metropolitan  
16 region.

17 (f) Except as otherwise provided by this Act no Director  
18 shall, while serving as such, be an officer, a member of the  
19 Board of Directors or Trustees or an employee of any Service  
20 Board or transportation agency, or be an employee of the State  
21 of Illinois or any department or agency thereof, or of any unit  
22 of local government or receive any compensation from any  
23 elected or appointed office under the Constitution and laws of  
24 Illinois; except that a Director may be a member of a school  
25 board.

26 (g) Each appointment made under this Section and under

1 Section 3.03 shall be certified by the appointing authority to  
2 the Board, which shall maintain the certifications as part of  
3 the official records of the Authority.

4 (h) (Blank).

5 (i) Directors appointed on and after the effective date of  
6 this amendatory Act of the 98th General Assembly owe a  
7 fiduciary duty to the Board and to the Authority.

8 (Source: P.A. 95-708, eff. 1-18-08.)

9 (70 ILCS 3615/3A.02) (from Ch. 111 2/3, par. 703A.02)

10 Sec. 3A.02. Suburban Bus Board. The governing body of the  
11 Suburban Bus Division shall be a board consisting of 13  
12 directors appointed as follows:

13 (a) Six Directors appointed by the members of the Cook  
14 County Board elected from that part of Cook County outside  
15 of Chicago, or in the event such Board of Commissioners  
16 becomes elected from single member districts, by those  
17 Commissioners elected from districts, a majority of the  
18 residents of which reside outside of Chicago from the chief  
19 executive officers of the municipalities, of that portion  
20 of Cook County outside of Chicago. Provided however, that:

21 (i) One of the Directors shall be the chief  
22 executive officer of a municipality within the area of  
23 the Northwest Region defined in Section 3A.13;

24 (ii) One of the Directors shall be the chief  
25 executive officer of a municipality within the area of

1 the North Central Region defined in Section 3A.13;

2 (iii) One of the Directors shall be the chief  
3 executive officer of a municipality within the area of  
4 the North Shore Region defined in Section 3A.13;

5 (iv) One of the Directors shall be the chief  
6 executive officer of a municipality within the area of  
7 the Central Region defined in Section 3A.13;

8 (v) One of the Directors shall be the chief  
9 executive officer of a municipality within the area of  
10 the Southwest Region defined in Section 3A.13;

11 (vi) One of the Directors shall be the chief  
12 executive officer of a municipality within the area of  
13 the South Region defined in Section 3A.13;

14 (b) One Director by the Chairman of the Kane County  
15 Board who shall be a chief executive officer of a  
16 municipality within Kane County;

17 (c) One Director by the Chairman of the Lake County  
18 Board who shall be a chief executive officer of a  
19 municipality within Lake County;

20 (d) One Director by the Chairman of the DuPage County  
21 Board who shall be a chief executive officer of a  
22 municipality within DuPage County;

23 (e) One Director by the Chairman of the McHenry County  
24 Board who shall be a chief executive officer of a  
25 municipality within McHenry County;

26 (f) One Director by the Chairman of the Will County

1 Board who shall be a chief executive officer of a  
2 municipality within Will County;

3 (g) The Commissioner of the Mayor's Office for People  
4 with Disabilities, from the City of Chicago, who shall  
5 serve as an ex-officio member; and

6 (h) The Chairman by the Governor for the initial term,  
7 and thereafter by a majority of the Chairmen of the DuPage,  
8 Kane, Lake, McHenry and Will County Boards and the members  
9 of the Cook County Board elected from that part of Cook  
10 County outside of Chicago, or in the event such Board of  
11 Commissioners is elected from single member districts, by  
12 those Commissioners elected from districts, a majority of  
13 the electors of which reside outside of Chicago; and who  
14 after the effective date of this amendatory Act of the 95th  
15 General Assembly may not be a resident of the City of  
16 Chicago.

17 Directors appointed on and after the effective date of this  
18 amendatory Act of the 98th General Assembly owe a fiduciary  
19 duty to the Board and to the Regional Transportation Authority.

20 Each appointment made under paragraphs (a) through (g) and  
21 under Section 3A.03 shall be certified by the appointing  
22 authority to the Suburban Bus Board which shall maintain the  
23 certifications as part of the official records of the Suburban  
24 Bus Board; provided that the initial appointments shall be  
25 certified to the Secretary of State, who shall transmit the  
26 certifications to the Suburban Bus Board following its

1 organization.

2 For the purposes of this Section, "chief executive officer  
3 of a municipality" includes a former chief executive officer of  
4 a municipality within the specified Region or County, provided  
5 that the former officer continues to reside within such Region  
6 or County.

7 (Source: P.A. 95-906, eff. 8-26-08.)

8 (70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

9 Sec. 3B.02. Commuter Rail Board.

10 (a) Until April 1, 2008, the governing body of the Commuter  
11 Rail Division shall be a board consisting of 7 directors  
12 appointed pursuant to Sections 3B.03 and 3B.04, as follows:

13 (1) One director shall be appointed by the Chairman of  
14 the Board of DuPage County with the advice and consent of  
15 the County Board of DuPage County and shall reside in  
16 DuPage County.

17 (2) Two directors appointed by the Chairmen of the  
18 County Boards of Kane, Lake, McHenry and Will Counties with  
19 the concurrence of not less than a majority of the chairmen  
20 from such counties, from nominees by the Chairmen. Each  
21 such chairman may nominate not more than two persons for  
22 each position. Each such director shall reside in a county  
23 in the metropolitan region other than Cook or DuPage  
24 County.

25 (3) Three directors appointed by the members of the

1 Cook County Board elected from that part of Cook County  
2 outside of Chicago, or, in the event such Board of  
3 Commissioners becomes elected from single member  
4 districts, by those Commissioners elected from districts,  
5 a majority of the residents of which reside outside  
6 Chicago. In either case, such appointment shall be with the  
7 concurrence of four such Commissioners. Each such director  
8 shall reside in that part of Cook County outside Chicago.

9 (4) One director appointed by the Mayor of the City of  
10 Chicago, with the advice and consent of the City Council of  
11 the City of Chicago. Such director shall reside in the City  
12 of Chicago.

13 (5) The chairman shall be appointed by the directors,  
14 from the members of the board, with the concurrence of 5 of  
15 such directors.

16 (b) After April 1, 2008 the governing body of the Commuter  
17 Rail Division shall be a board consisting of 11 directors  
18 appointed, pursuant to Sections 3B.03 and 3B.04, as follows:

19 (1) One Director shall be appointed by the Chairman of  
20 the DuPage County Board with the advice and consent of the  
21 DuPage County Board and shall reside in DuPage County. To  
22 implement the changes in appointing authority under this  
23 Section, upon the expiration of the term of or vacancy in  
24 office of the Director appointed under item (1) of  
25 subsection (a) of this Section who resides in DuPage  
26 County, a Director shall be appointed under this

1           subparagraph.

2           (2) One Director shall be appointed by the Chairman of  
3           the McHenry County Board with the advice and consent of the  
4           McHenry County Board and shall reside in McHenry County. To  
5           implement the change in appointing authority under this  
6           Section, upon the expiration of the term of or vacancy in  
7           office of the Director appointed under item (2) of  
8           subsection (a) of this Section who resides in McHenry  
9           County, a Director shall be appointed under this  
10          subparagraph.

11          (3) One Director shall be appointed by the Will County  
12          Executive with the advice and consent of the Will County  
13          Board and shall reside in Will County. To implement the  
14          change in appointing authority under this Section, upon the  
15          expiration of the term of or vacancy in office of the  
16          Director appointed under item (2) of subsection (a) of this  
17          Section who resides in Will County, a Director shall be  
18          appointed under this subparagraph.

19          (4) One Director shall be appointed by the Chairman of  
20          the Lake County Board with the advice and consent of the  
21          Lake County Board and shall reside in Lake County.

22          (5) One Director shall be appointed by the Chairman of  
23          the Kane County Board with the advice and consent of the  
24          Kane County Board and shall reside in Kane County.

25          (6) One Director shall be appointed by the Mayor of the  
26          City of Chicago with the advice and consent of the City

1 Council of the City of Chicago and shall reside in the City  
2 of Chicago. To implement the changes in appointing  
3 authority under this Section, upon the expiration of the  
4 term of or vacancy in office of the Director appointed  
5 under item (4) of subsection (a) of this Section who  
6 resides in the City of Chicago, a Director shall be  
7 appointed under this subparagraph.

8 (7) Five Directors residing in Cook County outside of  
9 the City of Chicago, as follows:

10 (i) One Director who resides in Cook County outside  
11 of the City of Chicago, appointed by the President of  
12 the Cook County Board with the advice and consent of  
13 the members of the Cook County Board.

14 (ii) One Director who resides in the township of  
15 Barrington, Palatine, Wheeling, Hanover, Schaumburg,  
16 or Elk Grove. To implement the changes in appointing  
17 authority under this Section, upon the expiration of  
18 the term of or vacancy in office of the Director  
19 appointed under paragraph (3) of subsection (a) of this  
20 Section who resides in the geographic area described in  
21 this subparagraph, a Director shall be appointed under  
22 this subparagraph.

23 (iii) One Director who resides in the township of  
24 Northfield, New Trier, Maine, Niles, Evanston, Leyden,  
25 Norwood Park, River Forest, or Oak Park.

26 (iv) One Director who resides in the township of

1 Proviso, Riverside, Berwyn, Cicero, Lyons, Stickney,  
2 Lemont, Palos, or Orland. To implement the changes in  
3 appointing authority under this Section, upon the  
4 expiration of the term of or vacancy in office of the  
5 Director appointed under paragraph (3) of subsection  
6 (a) of this Section who resides in the geographic area  
7 described in this subparagraph and whose term of office  
8 had not expired as of August 1, 2007, a Director shall  
9 be appointed under this subparagraph.

10 (v) One Director who resides in the township of  
11 Worth, Calumet, Bremen, Thornton, Rich, or Bloom. To  
12 implement the changes in appointing authority under  
13 this Section, upon the expiration of the term of or  
14 vacancy in office of the Director appointed under  
15 paragraph (3) of subsection (a) of this Section who  
16 resides in the geographic area described in this  
17 subparagraph and whose term of office had expired as of  
18 August 1, 2007, a Director shall be appointed under  
19 this subparagraph.

20 (vi) The Directors identified under the provisions  
21 of subparagraphs (ii) through (v) of this paragraph (7)  
22 shall be appointed by the members of the Cook County  
23 Board. Each individual Director shall be appointed by  
24 those members of the Cook County Board whose Board  
25 districts overlap in whole or in part with the  
26 geographic territory described in the relevant

1           subparagraph. The vote of County Board members  
2           eligible to appoint directors under the provisions of  
3           subparagraphs (ii) through (v) of this paragraph (7)  
4           shall be weighted by the number of electors residing in  
5           those portions of their Board districts within the  
6           geographic territory described in the relevant  
7           subparagraph (ii) through (v) of this paragraph (7).

8           (8) The Chairman shall be appointed by the Directors,  
9           from the members of the Board, with the concurrence of 8 of  
10          such Directors. To implement the changes in appointing  
11          authority under this Section, upon the expiration of the  
12          term of or vacancy in office of the Chairman appointed  
13          under item (5) of subsection (a) of this Section, a  
14          Chairman shall be appointed under this subparagraph.

15          (c) No director, while serving as such, shall be an  
16          officer, a member of the board of directors or trustee or an  
17          employee of any transportation agency, or be an employee of the  
18          State of Illinois or any department or agency thereof, or of  
19          any unit of local government or receive any compensation from  
20          any elected or appointed office under the Constitution and laws  
21          of Illinois.

22          (d) Each appointment made under subsections (a) and (b) of  
23          this Section and under Section 3B.03 shall be certified by the  
24          appointing authority to the Commuter Rail Board which shall  
25          maintain the certifications as part of the official records of  
26          the Commuter Rail Board.

1       (e) Directors appointed on and after the effective date of  
2       this amendatory Act of the 98th General Assembly owe a  
3       fiduciary duty to the Board and to the Regional Transportation  
4       Authority.

5       (Source: P.A. 95-708, eff. 1-18-08.)